

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD NICHOLAS,

Plaintiff,

v.

SCOTT A. EVANS, et al.,

Defendants.

Civil Action No. 07-90 Erie

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on May 1, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [2], filed on May 16, 2007, recommended that the case be dismissed for lack of subject matter jurisdiction. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at his address of record and on Defendants. On May 21, 2007, Plaintiff filed a document styled "Petition Seeking Authorization For a Writ of Certiorari Prescribed By Rule 14" [3], which this Court construes as being in the nature of an objection. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 8th day of June 2007;

IT IS HEREBY ORDERED that the instant case is DISMISSED for lack of subject matter jurisdiction.

The Report and Recommendation of Magistrate Judge Baxter, dated May 16, 2007, [2] is adopted as the opinion of the Court.

/s Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
U.S. Magistrate Judge Susan Paradise Baxter